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Amdt. dated September 5, 2006  
Reply to Office Action of June 6, 2006

Docket No. **P-0596**

### **REMARKS**

By the present response, Applicant has submitted new claim 23 for consideration by the Examiner and asserts that this claim does not contain any prohibited new matter. Applicant has canceled claims 4, 7, 8, 10 and 20 without disclaimer. Further, Applicant has amended claims 1, 2, 5, 9, 11, 13-18, 21 and 22 to further clarify the invention. Claims 1-3, 5, 6, 9, 11-19, 21, 22 and 23 remain pending in this application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 1-4 and 18-22 have been rejected under 35 U.S.C. § 112, second paragraph. Claims 1 and 3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,212,408 (Son et al.) in view of U.S. Patent No. 4,737,976 (Borth et al.) and further in view of U.S. Patent No. 5,826,187 (Core et al.). Claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son et al. in view of Borth et al. and Core et al. and further in view of U.S. Patent Publication No. 2004/0001,588 (Hairston). Claims 5, 6 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son in view of Borth. Claims 7, 8 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son et al. in view of Borth and further in view of Core et al. Claim 11-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son et al. in view of Borth et al. and further in view of U.S. Patent No. 6,449,496 (Beith et al.). Claim 17 has been rejected

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under 35 U.S.C. § 103(a) as being unpatentable over Son et al. in view of Borth et al. and Beith et al. and further in view of U.S. Patent No. 5,222,121 (Shimada).

Claim 18 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son et al. in view of Beith et al. Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son et al. in view of Beith et al. and further in view of Borth et al.. Claim 20 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son et al. in view of Beith et al. and further in view of Core et al. Claim 21 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son et al. in view of Beith et al. and further in view of U.S. Patent No. 7,027,842 (Zang et al.). Claim 16 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### Allowable Subject Matter

Applicant thanks the Examiner for indicating that claim 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### 35 U.S.C. § 112 Rejections

Claims 1-4, and 18-24 have been rejected under 35 U.S.C. §112 second paragraph. Applicants have amended the claims of the present application to further clarify the invention and respectfully request that these rejections be withdrawn.

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35 U.S.C. § 103 Rejections

Claims 1 and 3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son et al. in view of Borth et al. and Core et al. Applicant respectfully traverses these rejections.

Borth et al. discloses a hands-free user-interactive control and dialing system for use with a speech communications device. The control system includes dynamic noise suppressor, a speech recognizer for implementing voice-control, a device controller responsive to the speech recognizer for controlling operating parameters of the speech communications device and for producing status information representing the operating status of the device, and a speech synthesizer for providing reply information to the user as to the speech communications device operating status. In a mobile radiotelephone application, the spectral subtraction noise suppressor is configured to improve the performance of the speech recognizer, the voice quality of the transmitted audio, and the audio switching operation of the vehicular speakerphone.

Son et al. discloses allowing a communication device to accept voice commands from a user. The voice commands can include commands to execute or dial key sequences or commands to control device functionality. Voice commands are received from a user of the communication device, indicating a command to be carried out by said communication device. The commands are interpreted and executed by the communication device.

Core et al. discloses an integrated cordless telephone answering device that allows a user to selectively replay messages previously recorded on the telephone answering device either

through a loudspeaker or through an earpiece, both of which are provided in the cordless handset, as well as locally at the telephone answering device. The loudspeaker is the same loudspeaker that is used when the cordless handset is in a speakerphone mode. When a user wishes to initiate message retrieval through the cordless handset, a PLAY key is pressed which automatically supplies the audio signal to the loudspeaker. If the user then wishes to listen to messages through the earpiece in the cordless handset, a MODE key is pressed which supplies the audio signal to the earpiece. In addition, when the user presses a TALK key, the audio signals from the telephone lines are automatically supplied to the earpiece, and finally, when the user presses a SPEAKERPHONE key, the audio signals from the telephone line are automatically supplied to the loudspeaker.

Hairston discloses headset cellular phones which may be worn continually and use voice recognition/speech activation for dialing telephone numbers and controlling other aspects of operation. Cell phones can include a microphone and preferably include both internal and external speakers to allow the user to communicate unobtrusively, check voice mail and conduct other activities while at the same time being able to hear ambient noise in the environment. Voice recognition/speech command functionality may also be used to generate and send touch tone or DTMF tones such as in response to call trees or voice recognition/speech activation functionality used by airlines, credit card companies, voice mail systems, and other applications.

Regarding claim 1, Applicant submits that none of the cited references, taken alone or in any proper combination disclose suggest or render obvious the limitations in the combination of this claim of, *inter alia*, switching a calling path through the speakerphone to an earphone at the time of setting a secret calling according to a voice message of the user. The Examiner admits that Son and Borth fail to disclose or suggest secret calling with an earphone, but asserts that Core discloses these limitations in figure 3, and col. 5, lines 30-42 and col. 7, lines 32-36. However, Core et al. merely discloses a play key being pressed to connect audio output to a loudspeaker, a talk key being pressed to connect audio output to an earpiece, and a speakerphone key being pressed to connect audio output to a loudspeaker. This is not switching a calling path through the speakerphone to an earphone at the time of setting a secret calling according to the user's voice message, as recited in the claims of the present application. According to embodiments of the present invention, a calling path may be switched from the speakerphone to an earphone for secret calling in response to a voice message from the user. In contrast, Core et al. discloses pressing a key to connect audio to an earpiece and pressing a key to connect output to a loudspeaker.

On page 5 of the Office Action, the Examiner asserts that Hairston teaches where the control means sets and releases a secret calling function by a user's voice command, in paragraph 0034. However, Hairston relates to a headset cellular telephone and using voice recognition/speech activation for dialing telephone numbers and controlling other aspects of

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operation. This is not switching a calling path through the speakerphone to an earphone, as recited in the claims for the present application since Hairston does not disclose or suggest a speakerphone. Further, this is not performing the switching of a calling path through the speakerphone to an earphone according to the users voice message.

Regarding claims 3 and 23, Applicant submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 1, 3 and 23 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son in view of Borth and Core and further in view of Hairston. Applicant has canceled this claim therefore, rendering this rejection moot.

Claims 5, 6, and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son in view of Borth. Applicant respectfully traverses these rejections.

Regarding claim 5 and 9, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of these claims of, *inter alia*, setting a secret calling function for switching a

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calling path from a speaker phone to an earphone in response to a voice command from the user. As noted previously, the Examiner admits that neither Son nor Borth disclose or suggest these limitations in the claims of the present application.

Regarding claim 6, Applicant submits that this claim is dependent on independent claim 5 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 5, 6 and 9 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 7, 8 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son in view of Borth and Core et al. Applicant has canceled these claims therefore rendering these rejections moot.

Claim 11-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son in view of Borth and further in view of Beith et al. Applicant respectfully traverses these rejections.

Applicant submits that claims 11-15 are dependent on independent claim 9 and, therefore, are patentable at least for the same reasons noted previously regarding this

independent claim. Applicant submits that Beith et al. does not overcome the substantial defects noted previously regarding Son and Borth.

Accordingly, Applicant submits that none of the cite references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 11-15 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claim 17 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son et al., Borth et al., Beith et al. and Shimada. Applicant respectfully traverses this rejection and submits that claim 17 is dependent on independent claim 9 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that neither Beith et al. nor Shimada overcome the substantial defects noted previously regarding Son et al. and Borth et al.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 17 of the present application. Applicant respectfully request that this rejection be withdrawn and that this claim be allowed.

Claim 18 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son in view of Beith et al. Applicant respectfully traverses this rejection.



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Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of this claim of, *inter alia*, setting a secret calling function for switching a calling path from the telephone to an earphone in response to a command from the user. As noted previously, the Examiner admits that neither Son et al. nor Beith et al. disclose or suggest these limitations in the claims of the present application.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 18 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Claim 19 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Son et al. in view of Beith et al. and further in view of Borth et al. Applicant respectfully traverses this rejection and submits that this claim is dependent on independent claim 18 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 19 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

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Claim 20 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son in view of Beith and further in view of Core. Applicant respectfully traverses this rejection and submits that this claim is dependent claim 18 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant submit that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 20 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Claim 21 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Son in view of Beith and further in view of Zhang et al. Applicant respectfully traverses this rejection and submits that claim 21 is dependent on independent claim 18 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that Zhang et al. does not overcome the substantial defects noted previously regarding Son et al. and Beith et al.

Accordingly, Applicants submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 21 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

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### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant submits that claims 1-3, 5, 6, 9, 11-19, 21, 22 and 23 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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**Date: September 5, 2006**

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